

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 650 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

STATE OF GUJARAT

Versus

SANKABHAI PUNJABHAI PRAJAPATI

Appearance:

MR SR DIVETIA APP for Petitioner

MR JV JAPTEE for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/06/98

ORAL JUDGEMENT

Heard learned APP Mr. S.R Divetia.

2. This petition is preferred by the State against the order of release of Jeep bearing registration No. GBQ-2404 of the ownership of the respondent herein, made by the learned Judicial Magistrate First Class,

Himatnagar on 5th November, 1993, and confirmed by the learned Addl. Sessions Judge, Himatnagar on 31st January, 1997.

3. Mr. Divetia has submitted that the jeep at the time of seizure was carrying as many as 20 passengers without the permit. The jeep was, therefore, seized by the police authority under Section 207 of the Motor Vehicles Act, 1988.

4. Mr. Divetia is unable to show that any penal proceedings are pending against the respondent for the alleged offence of plying jeep without permit. He stated that no other proceedings are pending against the respondent for the default in question. In the circumstances, I do not see any justification for interfering with the orders of Courts below, particularly, because the jeep in question has been released as far back as in the month of November, 1993. Petition is, therefore, summarily rejected. Rule discharged.

Prakash*